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15 BERTRAM ROBISON

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**
18 **SOUTHERN DIVISION**

19 **CV06-5060 SJO (SSx)**

20 JOSE L. ACOSTA, JR., ROBERT
21 RANDALL, and BERTRAM
22 ROBISON, individually, and on behalf
23 of all other similarly situated,

24 Plaintiffs,

25 v.

26 TRANS UNION, LLC, and DOES 1 to
27 10, Inclusive

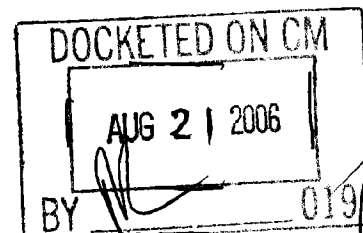
28 Defendants.

Case No.:

COMPLEX LITIGATION

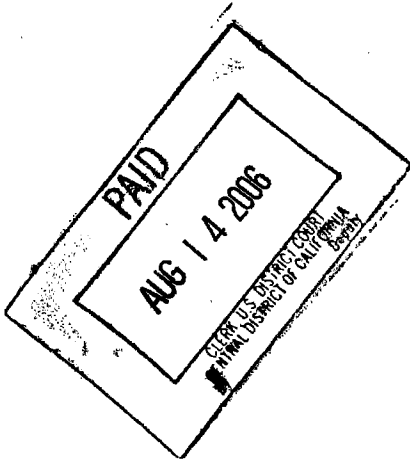
CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED



N/S
LN
ADR

FILED
2006 AUG 14 AM 10:45
CENTRAL DISTRICT OF CALIF.
SANTA ANA



1 **Plaintiffs hereby allege:**

2 **I. NATURE OF THE ACTION**

3 1. This lawsuit is brought as a class action by JOSE A. ACOSTA, ROBERT
4 RANDALL, and BERTRAM ROBISON (hereinafter collectively,
5 "PLAINTIFFS") on behalf of themselves and those persons similarly situated.
6 Plaintiffs seek class-wide recovery of damages, punitive damages, injunctive
7 relief, and attorneys fees for violations of the Federal Fair Credit Reporting Act,
8 15 U.S.C. § 1681 *et seq.*, the California Consumer Credit Reporting Agencies Act,
9 California Civil Code § 1785.1, *et seq.*, California Business and Professions Code
10 §§ 17200, *et seq.*, common law negligence and defamation claims from
11 Defendants TRANS UNION, LLC (hereinafter sometimes collectively referred to
12 as "DEFENDANT.")

13 **JURISDICTION AND VENUE**

14 2. This Court has jurisdiction over PLAINTIFFS' claims pursuant to 15 U.S.C.
15 § 1681(p). This also has jurisdiction over the instant case pursuant to 28 U.S.C.
16 Section 1332(d)(2) because this is a class action where the matter in controversy
17 exceeds the sum or value of \$5,000,000, exclusive of interest and costs, and there
18 are members of the Plaintiff class who are citizens of a State different from that of
19 Defendant.

20 3. This Court has jurisdiction over DEFENDANT because DEFENDANT has
21 sufficient minimum contacts within this District so as to render the exercise of
22 jurisdiction over the DEFENDANT by this Court consistent with traditional
23 notions of fair play and substantial justice.

24 4. Venue is proper in this Court has jurisdiction over the claims of
25 PLAINTIFFS against DEFENDANT because at least one instance of the unlawful
26 conduct of DEFENDANT occurred in the Central District of California.

27 **PLAINTIFFS**

28 5. At all times relevant herein, Plaintiff JOSE L. ACOSTA, JR. was and is a

1 resident of the State of California, County of Orange. Plaintiff JOSE L.
2 ACOSTA, JR. filed for Chapter 7 bankruptcy in September 2001 and his debts
3 were discharged in January 2002.

4 6. At all times relevant herein, Plaintiff ROBERT RANDALL was and is a
5 resident of the State of California, County of Orange. Plaintiff ROBERT
6 RANDALL filed for Chapter 7 bankruptcy in January 2003 and his debts were
7 discharged in May 2003.

8 7. At all times relevant herein, Plaintiff BERTRAM ROBISON was and is a
9 resident of the State of California, County of Los Angeles. Plaintiff BERTRAM
10 ROBISON filed for Chapter 7 bankruptcy in January 2004 and his debts were
11 discharged in September 2004.

12 **DEFENDANT**

13 8. As used in this Complaint, "DEFENDANT" refers to all defendants and
14 unless otherwise specified, every allegation with respect to one defendant is an
15 allegation with respect to each defendant.

16 9. PLAINTIFFS are informed and believe and thereon allege that
17 DEFENDANT Trans Union, LLC is a limited liability company and is authorized
18 to do business in the State of California.

19 10. DEFENDANT is a "consumer credit reporting agency" within the meaning
20 of the FCRA, 15 U.S.C. § 1681a(f). DEFENDANT regularly engages in the
21 business of assembling, evaluating, and disbursing information concerning
22 consumers for the purpose of furnishing consumer reports, as defined in 15 U.S.C.
23 § 1681a(d), to third parties.

24 11. PLAINTIFFS do not know the true names and capacities, whether
25 individual, corporate, associate, or otherwise of defendant Does 1 through 10,
26 Inclusive. Such fictitious defendants are sued pursuant to United States District
27 Court, Central District of California Local Rule 19-1. PLAINTIFFS are informed
28 and believe and based upon such information and belief alleges that each fictitious

1 defendant was in some way responsible for, participated in, or contributed to the
2 matter and things of which PLAINTIFFS complain herein, and in some form and
3 under some theory, is subject to liability therefore. When the exact nature and
4 identity of such fictitious defendants' responsibility for, participation in, and
5 contribution to the matters herein alleged is ascertained by PLAINTIFFS, they
6 will seek leave to amend this Complaint to set forth the same.

7 12. All DEFENDANTS, and each of them, carried out a joint scheme, business
8 plan or policy in all respects pertinent hereto and all acts and omissions herein
9 complained of were performed within the course and scope of said relationship.

10 13. DEFENDANT's founders, owners and executive officers directed,
11 authorized, ratified and/or participated in the conduct that gives rise to the claims
12 asserted herein and derived personal financial benefit from such conduct.

13 **FACTUAL ALLEGATIONS**

14 14. Each and every PLAINTIFF, and all individuals similarly situated, filed a
15 Chapter 7 bankruptcy, which resulted in the discharge of their unsecured, non-
16 priority debts.

17 15. After the Court discharged the unsecured, non-priority debts of
18 PLAINTIFFS and others similarly situated, DEFENDANT obtained the Chapter 7
19 bankruptcy filing and discharge information through third party public records
20 vendors.

21 16. The information listed on the Schedule F relating to the specific accounts
22 that were discharged in the Chapter 7 bankruptcy filing was available to
23 DEFENDANT through the same third party public records vendors that acquire
24 the bankruptcy filing and discharge information, but DEFENDANT's
25 intentionally disregarded the information relating to the accounts that were
26 discharged.

27 17. Instead of utilizing the discharged account information readily available
28 through the bankruptcy records, DEFENDANT's procedure to ensure maximum

possible accuracy of reporting the discharged account information was and is to report the discharged account information on the credit report of the PLAINTIFFS and others similarly situated as it is reported by its customer, or the furnisher of information. This procedure was and is utilized regardless of the accuracy of the information provided and in spite of the fact the actual accurate information was and is easily available to DEFENDANT through the third party public records vendors.

18. DEFENDANT is aware and has actual notice of routinely reported inaccurate discharged account information on consumer credit reports because PLAINTIFFS and many individuals similarly situated have either disputed the inaccurate information and requested reinvestigation, and/or have filed suit against DEFENDANT as a result of inaccurate discharged account information.

19. As a result of DEFENDANT's deliberate procedures, and reporting and reinvestigation practices, the consumer credit reports of PLAINTIFFS and those individuals similarly situated contain multiple tradelines, accounts, judgments and collections, which were known by DEFENDANT, or reasonably should have been known by DEFENDANT, to be discharged by a Chapter 7 bankruptcy filing, were reported in an inaccurate status, including pre-bankruptcy derogatory histories, balances and an otherwise non-bankruptcy status.

CLASS ALLEGATIONS

20. Plaintiffs individually and on behalf of themselves and all persons similarly situated, seek class-wide relief for injuries resulting from the patterns and practices of unlawful conduct by DEFENDANT.

21. Plaintiffs seek to represent the following classes of persons:

- a. All consumers, as defined by 15 U.S.C. § 1681a(c) residing in the U.S. for whom Trans Union maintains a file, as defined by 15 U.S.C. § 1681a(g), who, on or after April 1, 1996 received a Chapter 7 bankruptcy discharge order from a United States

1 Bankruptcy Court.

2 b. The Class contains two sub-classes for which relief is sought:

3 i. California Class Members: All Class members whose
4 Chapter 7 discharge orders were entered after May 12, 2001
5 and who reside in California.

6 ii. Non-California Class Members: All Class members whose
7 Chapter 7 bankruptcy discharge orders were entered after
8 October 3, 2003, and who reside outside California.

9 22. PLAINTIFFS are informed and believe and thereon allege that the persons
10 in each of the classes are so numerous that joinder of all such persons is
11 impracticable and that the disposition of their claims as a class will benefit parties
12 and the Court.

13 23. PLAINTIFFS are informed and believe that notice to the Class is possible
14 because the class members in each Class can be noticed through the addresses
15 maintained by DEFENDANT, or through publication or other reasonable means.

16 24. There is a well-defined commonality of interest in questions of law
17 involving and affecting the Classes to be represented in that DEFENDANTS, on a
18 class-wide basis, violated similar laws as to all members of the Class.

19 25. There is a well-defined commonality of interest in questions of fact
20 involving and affecting the Class members to be represented in that
21 DEFENDANT implemented a common plan or scheme, on a class-wide basis, the
22 report the Chapter 7 bankruptcy discharged account information as it is reported
23 by the creditor, regardless of its accuracy.

24 26. The claims of PLAINTIFFS alleged herein are typical of those claims which
25 could be alleged by any member of the Classes and the relief sought is typical of
26 the relief which would be sought by each of the members of the Classes in
27 separate actions.

28 27. PLAINTIFFS and their Counsel will fairly and adequately represent and

1 protect the interests of all members of the Classes.

2 28. The prosecution of separate actions by individual members of the Classes
3 would create a risk of inconsistent and/or varying adjudications with respect to the
4 individual members of the Classes, establishing incompatible standards of conduct
5 for Defendants and resulting in the impairment of the rights of members of the
6 Classes and the disposition of their interests through actions to which they were
7 not parties.

8 29. A single class action is superior to numerous individual actions as a means
9 of adjudicating these claims. The claims of each individual are relatively small
10 making adjudication of individual claims cost prohibitive.

11 30. The case is manageable for, among other reasons, the issue that will
12 predominate this action is whether the advertisements are misleading or likely to
13 deceive and not what occurred with each individual transaction.

14 31. These classes of persons are easily ascertainable through DEFENDANT's
15 records.

16 **FIRST CAUSE OF ACTION**

17 By PLAINTIFFS individually and on behalf of all similarly situated, against
18 DEFENDANT

19 **(WILLFUL FAILURE TO FOLLOW REASONABLE PROCEDURES TO**
20 **ASSURE MAXIMUM POSSIBLE ACCURACY OF CREDIT REPORTS IN**
21 **VIOLATION OF 15 U.S.C. § 1681e and Cal. Civ. Code § 1785.14)**

22 32. PLAINTIFFS, individually and on behalf of all individuals similarly
23 situated, hereby restate, re-allege, and incorporate by reference herein the
24 paragraphs stated above in this Class Action Complaint as though fully set forth
25 herein.

26 33. DEFENDANT violated 15 U.S.C. § 1681e and Cal. Civ. Code § 1785.14 by
27 intentionally and willfully failing to establish or follow reasonable procedures to
28 assure maximum possible accuracy in the preparation of the consumer reports it

1 published and maintained concerning PLAINTIFFS and each member of the
2 Class.

3 34. As a result of DEFENDANT's failure to comply with the FCRA and
4 CCRAA, PLAINTIFFS and the members of the Classes are entitled to recover
5 statutory damages, punitive damages, costs and attorneys fees in amount to be
6 determined by the Court pursuant to 15 U.S.C. § 1681n and Cal. Civ. Code §§
7 1785.31.

8 **SECOND CAUSE OF ACTION**

9 By PLAINTIFFS individually and on behalf of all similarly situated, against
10 DEFENDANT

11 **(NEGLIGENT FAILURE TO FOLLOW REASONABLE PROCEDURES**
12 **TO ASSURE MAXIMUM POSSIBLE ACCURACY OF CREDIT REPORTS**
13 **IN VIOLATION OF 15 U.S.C. § 1681e and Cal. Civ. Code §**
14 **1785.14)**

15 35. PLAINTIFFS, individually and on behalf of all individuals similarly
16 situated, hereby restate, re-allege, and incorporate by reference herein the
17 paragraphs stated above in this Class Action Complaint as though fully set forth
18 herein.

19 36. DEFENDANT violated 15 U.S.C. § 1681e and Cal. Civ. Code § 1785.14 by
20 failing to establish or follow reasonable procedures to assure maximum possible
21 accuracy in the preparation of the consumer reports it published and maintained
22 concerning PLAINTIFFS and each member of the Class.

23 37. As a result of DEFENDANT's failure to comply with the FCRA and
24 CCRAA, PLAINTIFFS and the members of the Classes are entitled to recover
25 statutory damages, costs and attorneys fees in amount to be determined by the
26 Court pursuant to 15 U.S.C. § 1681o and Cal. Civ. Code § 1785.14.

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1 **THIRD CAUSE OF ACTION**

2 By PLAINTIFFS individually and on behalf of all similarly situated, against
3 DEFENDANT

4 **(WILLFUL FAILURE TO REASONABLY INVESTIGATE IN**
5 **VIOLATION OF 15 U.S.C. § 1681i AND CAL. CIV. CODE § 1785.16)**

6 38. PLAINTIFFS, individually and on behalf of all individuals similarly
7 situated, hereby restate, re-allege, and incorporate by reference herein the
8 paragraphs stated above in this Class Action Complaint as though fully set forth
9 herein.

10 39. DEFENDANT violated 15 U.S.C. § 1681i and Cal. Civ. Code § 1785.16 by
11 willfully failing to use reasonable reinvestigation practices for ascertaining the
12 accuracy of information relating to the discharged accounts and/or debts of
13 PLAINTIFFS and each member of the Class inaccurately reported in their credit
14 reports.

15 40. As a result of DEFENDANT's failure to comply with 15 U.S.C. § 1681i and
16 Cal. Civ. Code § 1785.16, PLAINTIFFS and the members of the Classes are
17 entitled to recover statutory and punitive damages, costs and attorneys fees in
18 amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and Cal.
19 Civ. Code § 1785.31, and other damages to their credit ratings and other actual
20 damages.

21 **FOURTH CAUSE OF ACTION**

22 By PLAINTIFFS individually and on behalf of all similarly situated, against
23 DEFENDANT

24 **(NEGLIGENT FAILURE TO REASONABLY INVESTIGATE IN**
25 **VIOLATION OF 15 U.S.C. § 1681i AND CAL. CIV. CODE § 1785.16)**

26 41. PLAINTIFFS, individually and on behalf of all individuals similarly
27 situated, hereby restate, re-allege, and incorporate by reference herein the
28 paragraphs stated above in this Class Action Complaint as though fully set forth

1 herein.

2 42. DEFENDANT violated 15 U.S.C. § 1681i and Cal. Civ. Code § 1785.16 by
3 failing to use reasonable reinvestigation practices for ascertaining the accuracy of
4 information relating to the discharged accounts and/or debts of PLAINTIFFS and
5 each member of the Class inaccurately reported in their credit reports.

6 43. As a result of DEFENDANT's negligent failure to comply with 15 U.S.C. §
7 1681i and Cal. Civ. Code § 1785.16, PLAINTIFFS and the members of the
8 Classes have suffered damages to their credit ratings and other actual damages.

9 **FIFTH CAUSE OF ACTION**

10 By PLAINTIFFS individually and on behalf of all similarly situated, against
11 DEFENDANT

12 **(UNFAIR BUSINESS PRACTICES PURSUANT TO CALIFORNIA**
13 **BUSINESS AND PROFESSIONS CODE SECTIONS 17200 ET SEQ.)**

14 44. PLAINTIFFS, individually and on behalf of all individuals similarly
15 situated, hereby restate, re-allege, and incorporate by reference herein the
16 paragraphs stated above in this Class Action Complaint as though fully set forth
17 herein.

18 45. DEFENDANT's conduct at all times mentioned herein constitutes unlawful
19 business competition within the meaning of California Business and Professions
20 Code § 17200, *et seq.* because it engaged in illegal conduct, including but not
21 limited to, violating 15 U.S.C. §§ 1681e and 1681i and Cal. Civ. Code §§ 1785.14
22 and 1785.16.

23 46. DEFENDANT's inaccurate reporting of accounts and/or debts legally
24 discharged in Chapter 7 bankruptcy as due and owing constitutes unfair business
25 competition within the meaning of California Business and Professions Code §
26 17200, *et seq.*

27 47. DEFENDANT's failure to use reasonable reinvestigation practices in
28 connection with its reporting of the status of discharged debts constitutes unfair

1 business competition within the meaning of California Business and Professions
2 Code § 17200, *et seq.*

3 48. As a result of DEFENDANT's unfair and/or unlawful business practices,
4 PLAINTIFFS and members of the Classes have suffered injury in fact and have
5 suffered loss of money or property, including but not limited to erroneous credit
6 reports disseminated to third parties, their credit scores adversely affected; have
7 been denied credit, and/or received credit on terms that are less than favorable
8 than if their credit reports were accurately reported.

9 49. As a result of DEFENDANT's unfair or unlawful business practices,
10 PLAINTIFFS and members of the Classes are entitled to injunctive relief.

11 **SIXTH CAUSE OF ACTION**

12 By PLAINTIFFS individually and on behalf of all similarly situated, against

13 DEFENDANT

14 **(NEGLIGENCE)**

15 50. PLAINTIFFS, individually and on behalf of all individuals similarly
16 situated, hereby restate, re-allege, and incorporate by reference herein the
17 paragraphs stated above in this Class Action Complaint as though fully set forth
18 herein.

19 51. DEFENDANT, at all times mentioned herein, owed PLAINTIFFS and each
20 member of the Class a duty of care to follow and/or maintain reasonable
21 procedures to ensure maximum possible accuracy of the credit information
22 contained in their credit reports.

23 52. DEFENDANT breached its duty of care by failing to follow and/or maintain
24 reasonable procedures to ensure maximum possible accuracy of the credit
25 information contained in the credit report of PLAINTIFFS and each member of
26 the Class; specifically DEFENDANT's procedures routinely resulted in reporting
27 of inaccurate information regarding the accounts and/or debts legally discharged
28 in the Chapter 7 bankruptcy proceedings of PLAINTIFFS and each member of the

1 Class.

2 53. As a direct and proximate result of DEFENDANT's conduct, PLAINTIFFS
3 and each member of the Class have been damaged in amount according to proof.

4 **SEVENTH CAUSE OF ACTION**

5 By PLAINTIFFS individually and on behalf of all similarly situated, against

6 DEFENDANT

7 **(DEFAMATION)**

8 54. PLAINTIFFS, individually and on behalf of all individuals similarly
9 situated, hereby restate, re-allege, and incorporate by reference herein the
10 paragraphs stated above in this Class Action Complaint as though fully set forth
11 herein.

12 55. DEFENDANT, at all times mentioned herein, made false and defamatory
13 statements concerning the credit information of PLAINTIFFS and each member
14 of the Class, specifically with respect to the accounts and/or debts legally
15 discharged in the Chapter 7 bankruptcy proceedings of PLAINTIFFS and each
16 member of the Class.

17 56. DEFENDANT made the unprivileged publication of the defamatory
18 statements to third parties.

19 57. As a direct and proximate result of DEFENDANT's defamatory statements
20 and publication, PLAINTIFFS and each member of the Class have been damaged
21 in an amount according to proof.

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PRAYER

WHEREFORE PLAINTIFFS and all pray for judgment against
DEFENDANT and each of them as follows:

1. For injunctive relief;
2. For declaratory relief;
3. For actual damages;
4. For statutory damages;
5. For punitive damages;
6. For attorneys' fees and cost of suit; and
7. For such other and further relief as the Court deems just and proper.

DATED: AUGUST 11, 2006

CALLAHAN MCCUNE & WILLIS APLC

By: 

LEE A. SHERMAN, ESQ.

Attorney for the Plaintiffs and on behalf
of all others similarly situated

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

| | |
|---|---|
| I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> JOSE ACOSTA, JR., ROBERT RANDALL, and BERTRAM ROBISON, individually, and on behalf of all other similarly situated | DEFENDANTS TRANS UNION, LLC |
| (b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): ORANGE | County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only): COOK, ILLINOIS |
| (c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) LEE A. SHERMAN, ESQ. (172198) DOUGLAS A. WRIGHT, ESQ. (239112) CALLAHAN, MCCUNE & WILLIS, APLC 111 FASHION LANE, TUSTIN, CA 92780 | Attorneys (If Known) |

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|--|--|----------------------------|---|----------------------------|----------------------------|------------|------------|-----------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|--------------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|---|----------------------------|----------------------------|----------------|----------------------------|----------------------------|
| II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) | III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:35%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:35%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table> | | PTF | DEF | | PTF | DEF | Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| | PTF | DEF | | PTF | DEF | | | | | | | | | | | | | | | | | | | | |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | | | | | | | | | | | | | | | | | | | | |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | | | | | | | | | | | | | | | | | | | | |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | | | | | | | | | | | | | | | | | | | | |
| IV. ORIGIN (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge | | | | | | | | | | | | | | | | | | | | | | | | | |

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☒ Yes ☐ No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 CREDIT REPORTING ACT-15 USC SECTION 1681 ET. SEQ.

VII. NATURE OF SUIT (Place an X in one box only.)

| | | | | | |
|---|--|--|---|--|---|
| OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes | CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other | LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 |
|---|--|--|---|--|---|

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

FOR OFFICE USE ONLY: Case Number: _____

CV06-5060-SJO (SSx)

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). **RELATED CASES:** Have any cases been previously filed that are related to the present case? ☐ No ☒ Yes

If yes, list case number(s): 05-CV-01073-DOC/MLGX

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☒ A. Arise from the same or closely related transactions, happenings, or events; or
☒ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☒ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. **VENUE:** List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

ILLINOIS

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

☐ Check here if the U.S. government, its agencies or employees is a named defendant.

ORANGE COUNTY

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

Orange County

X. **SIGNATURE OF ATTORNEY (OR PRO PER):** _____

Date 8/11/06

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

| Nature of Suit Code | Abbreviation | Substantive Statement of Cause of Action |
|---------------------|--------------|--|
| 861 | HIA | All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b)) |
| 862 | BL | All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923) |
| 863 | DIWC | All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g)) |
| 863 | DIWW | All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g)) |
| 864 | SSID | All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended. |
| 865 | RSI | All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g)) |

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge S. James Otero and the assigned discovery Magistrate Judge is Suzanne H. Segal.

The case number on all documents filed with the Court should read as follows:

CV06- 5060 SJO (SSx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.